

SENATE BILL No. 218

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-19-10-7.

Synopsis: Safety belts. Provides that evidence of the failure to comply with the laws concerning safety belt use may be admitted as evidence in a civil action to reduce damages and may limit the liability of an insurer.

Effective: July 1, 2005.

Nugent, Simpson

January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 218

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-19-10-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Failure to comply
3 with section ~~1, 2 3, or 4~~ of this chapter does not constitute fault under
4 IC 34-51-2. ~~and does not limit the liability of an insurer.~~

5 (b) ~~Except as provided in subsection (c);~~ Evidence of: ~~the~~

6 (1) failure to comply with section ~~1, 2 3, or 4~~ of this chapter may
7 ~~not~~ be admitted in a civil action to ~~mitigate~~ **reduce** damages; **and**

8 (2) ~~(c) Evidence of a~~ failure to comply with this chapter may be
9 admitted in a civil action as to mitigation of damages in a product
10 liability action involving a motor vehicle restraint or supplemental
11 restraint system.

12 (c) The defendant in ~~such~~ an action **described in subsection (b)(2)**
13 has the burden of proving:

14 (1) noncompliance with this chapter; ~~and~~

15 (2) that compliance with this chapter would have reduced injuries;
16 and

17 (3) the extent of the reduction.



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